



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

JJGJr: 08-03

Paper No: 22

ERIC B. MEYERTONS ESQ.
MEYERTONS, HOOD, KIVLLIN,
KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

COPY MAILED

AUG 28 2003

OFFICE OF PETITIONS

In re Application of
Murphy, et al.
Application No. 09/864,510
Filed: 24 May, 2001
Attorney Docket No.: 28122.89

:
: ON PETITION
:
:

This is a decision on the petition filed (with fee) on 30 December, 2002, and considered under 37 C.F.R. §1.182¹ to correct the name of the named inventor (from Suresh Reddy to Mitta Suresh). (See: MPEP §605.04(c).²)

The Office regrets the delay in addressing this matter--the petition was not received into the Office of Petitions until this writing.

The petition is **DISMISSED**.

¹ The regulations at 37 C.F.R. §1.182 provide:

§ 1.182 Questions not specifically provided for.

All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Commissioner, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in §1.17(h).
[47 Fed. Reg. 41278, Sept. 17, 1982, effective date Oct. 1, 1982; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997]

² The commentary at MPEP §605.04(c) provides in pertinent part:

605.04(c) Inventor Changes Name

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 C.F.R. 1.182. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

If the petition is granted, the application should be sent to the Office of Initial Patent Examination (OIPE) for change of name on the file wrapper and in the PALM database, unless the application is an 09/ series application, in which case the application should be sent to the assigned Technology Center (TC) for correction to the PALM bib-data sheet by the TC's technical support staff. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 C.F.R. 1.21(h) to the Assignment Division for a change in the assignment record.

NOTES:

- (1) Any petition (and fee) for reconsideration of this decision under 37 C.F.R. §1.182 must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.182."
- (2) Thereafter, there will be no further reconsideration of this matter.
- (3) Petitioner has submitted a signed oath/declaration, however, within the inventive entity the name of one of the three signing inventors is different from that of that in the original inventive entity, and, as of this writing, Petitioner has failed to satisfy the requirements to change of the name of the inventor in question.

Because the empowerment submitted cannot be accepted until the substantive issue of inventive entity is resolved, at this writing there is insufficient indication that Petitioner herein was ever empowered to prosecute the instant application. When the issue of the inventive entity is resolved, the power of attorney can be addressed.

A courtesy copy of this decision will be mailed to Petitioner.

However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

BACKGROUND

The petition alleges that, at the signing of the oath/declaration, one of the named inventors erroneously set forth and signed his name under his nickname/“alias” as Suresh Reddy, as opposed to his legal name Mitta Suresh.

An individual identified and signed himself as Mitta Suresh under a declaration attesting to such allegations.

However, the commentary set forth at MPEP §605.04(c) clearly indicates that such a declaration is to be signed by the declarant under both the former name/alias/nickname and the proper legal name.

This declarant failed to do.

Further correspondence with respect to this matter should be addressed as follows:

By mail: (Effective 1 May, 2003)³
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 308-6916
ATTN.: Office of Petitions

By hand: Crystal Plaza Four, Suite CP4-3C23
2201 South Clark Place
Arlington, VA 22202

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-9199.



John J. Gillon, Jr.
Senior Attorney
Office of Petitions

cc:

BILL R. NAIFEH
HAYNES AND BOONE, LLP
901 MAIN STREET/SUITE 3100
DALLAS, TEXAS 75202-2789

³ To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.